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PATENT ATTORNEY DOCKET NO.: 051438-5002

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
Nadine BURTON et al.	) Confirmation No.: 8062
Application No.: 10/712,265	) Group Art Unit: 3761
Filed: November 14, 2003	) Examiner: Unassigned
For: MEDICAL VACUUM ASPIRATION DEVICE	) ) )

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The listed documents were cited in a PCT International Search Report dated

December 15, 2004, from the European Patent Office in a counterpart PCT application. A copy

of the Search Report is enclosed for the Examiner's consideration.

A copy of the foreign patent documents is attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

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1. European Publication No. EP 0 836 858 A1. The relevance of this document can

be understood from the attached English-language Abstract and from the figures.

2. European Publication No. EP 0 948 971 A1. The relevance of this document can

be understood from the attached English-language Abstract and from the figures.

3. French Publication No. 1.077.898. The relevance of this document is that it

involves a device for a blood test.

4. European Publication No. 0 150 666 A1. The relevance of this document is that it

involves a seal for a urine catheter.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that any of the listed documents is material or constitutes

"Prior Art." If it should be determined that any of the listed documents does not constitute "Prior

Art" under United States law, Applicants reserve the right to present to the Office the relevant

facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability

of the disclosed invention over any listed document, should the document be applied against the

claims of the present application.

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Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby

authorized by this paper to charge any additional fees during the entire pendency of this

application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310.

This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF

TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 16, 2005

Registration No. 48,513

CUSTOMER NO. 009629 MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000

## Attorney Docket No.: Application No.: INFORMATION DISCLOSURE CITATION 051438-5002 10/712,265 se several sheets if necessary) Applicant(s): Nadine BURTON et al. Page 1 of 1 **PTO Form 1449** Filing Date: November 14, 2003 Group: 8062 **U.S. PATENT DOCUMENTS** Examiner T& TRAC Document Sub Initial Number Date Class Class Name Filing Date 4,576,593 March 18, 1986 Mommer 5,713,914 February 3, 1998 Lee 6,364,853 April 2, 2002 French et al. FOREIGN PATENT DOCUMENTS Document Sub Translation Number Date **Country** Class Class Yes No EP 0 836 858 A1 April 22, 1998 EPO (w/English language abstract) EP 0 948 971 A1 October 13, 1999 EPO (w/English language abstract) FR 1,077,898 November 12, 1954 FR EP 0 150 666 A! August 7, 1985 EPO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Examiner **Date Considered** Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication.